

REMARKS

Claims 1 and 2 are pending in this Application. The Office Action rejected Claim 1 under 35 U.S.C. § 102(b) and § 102(a). Applicant has amended Claim 1. Applicant respectfully requests reconsideration of pending Claims 1 and 2 in light of the amendments and following remarks.

Rejection of Claim 1 under 35 U.S.C. § 102(b)

The Office Action rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,468,818 to Flannery ("Flannery"). Specifically, the Office Action stated that Flannery teaches all elements of Claim 1 including an elongated cylindrical sleeve portion, and an exterior face having features from a character below the eyes. Applicant has amended Claim 1 to more specifically recite that the features below the eyes include a nose and a mouth indicia. Flannery does not disclose at least a nose and a mouth indicia. Flannery also does not disclose that the nose indicia is closer to the upper rim of a cylinder than the mouth indicia. Rather, Flannery only discloses nose indicia which is outside of the upper rim and an ear indicia inside the upper rim. Applicant also amended Claim 1 to recite that the cylindrical sleeve portion is a continuous cylinder, as shown in the Figures. Conversely, Flannery does not disclose a continuous cylinder by rather a cone shaped head scarf. Accordingly, for at least these reasons alone, Claim 1 is allowable over Flannery.

Rejection of Claims 1 and 2 under 35 U.S.C. § 102(a)

The Office Action rejected Claims 1 and 2 under 35 U.S.C. § 102(a) as being anticipated by animal Balaclava hat (<http://www.themouseworks.com>) ("Mouseworks"). Specifically, the Office Action stated that Mouseworks provides a neck warmer which can be folded-down so only the neck is covered. The Office Action further stated that the neck warmer includes facial feature indicia from below the eyes, positioned just below the upper rim. Applicant disagrees with the Office Action that Mouseworks discloses facial features below the eyes, including at least a mouth indicia and a nose indicia as recited by amended Claim 1. Specifically, Mouseworks does not disclose a mouth indicia, or a nose indicia. Therefore, Claim 1 is allowable over Mouseworks for at least this reason alone.

Claim 2 is dependent from claim 1 and is believed patentable, among other reasons, by virtue of such dependency.

SUMMARY

Applicant has amended Claim 1 and has submitted remarks in support of Claims 1 and 2. In view of the forgoing supporting remarks and amendments, Applicant respectfully requests allowance of pending claims 1 and 2.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicant's representative, please call the number indicated below.

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Respectfully submitted,


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